

COMMONWEALTH OF
PENNSYLVANIA
COUNTY OF CHESTER



POLICE CRIMINAL COMPLAINT
COMMONWEALTH OF PENNSYLVANIA

VS.

Magisterial District Number: 15-4-03

MDJ: Hon. JOHN R. BAILEY
748 SPRINGDALE DRIVE
SUITE 110
EXTON, PA 19341
Telephone: (610) 594-7728

DEFENDANT:

(NAME and ADDRESS):

MICHAEL ANTHONY BOFFO
First Name Middle Name Last Name Gen
219 W RAILROAD STREET NC 28540
JACKSONVILLE

NCIC Extradition Code Type

- ☒ 1-Felony Full ☐ 5-Felony Pend. ☐ C-Misdemeanor Surrounding States ☐ Distance:
☐ 2-Felony Ltd. ☐ 6-Felony Pend. Extradition Determ. ☐ D-Misdemeanor No Extradition
☐ 3-Felony Surrounding States ☐ A-Misdemeanor Full ☐ E-Misdemeanor Pending
☐ 4-Felony No Ext ☐ B-Misdemeanor Limited ☐ F-Misdemeanor Pending Extradition Determ.

DEFENDANT IDENTIFICATION INFORMATION

Docket Number	Date Filed	OYN/LiveScan Number	Complain/Incident Number CC-19-00531	Request Lab Services? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
GENDER <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	DOB 03/30/1960	POB	Add'l DOB	Co-Defendant(s) <input checked="" type="checkbox"/>
AKA First Name Middle Name Last Name Gen.				
RACE <input checked="" type="checkbox"/> White <input type="checkbox"/> Asian <input type="checkbox"/> Black <input type="checkbox"/> Native American <input type="checkbox"/> Unknown	ETHNICITY <input type="checkbox"/> Hispanic <input checked="" type="checkbox"/> Non-Hispanic <input type="checkbox"/> Unknown			
HAIR COLOR <input checked="" type="checkbox"/> GRY (Gray) <input type="checkbox"/> RED (Red/Aubn.) <input type="checkbox"/> SDY (Sandy) <input type="checkbox"/> BLU (Blue) <input type="checkbox"/> PLE (Purple) <input type="checkbox"/> BRO (Brown) <input type="checkbox"/> BLK (Black) <input type="checkbox"/> ONG (Orange) <input type="checkbox"/> WHI (White) <input type="checkbox"/> XXX (Unk/Bald) <input type="checkbox"/> GRN (Green) <input type="checkbox"/> PNK (Pink) <input type="checkbox"/> BLN (Blonde / Strawberry)				
EYE COLOR <input type="checkbox"/> BLK (Black) <input type="checkbox"/> BLU (Blue) <input type="checkbox"/> BRO (Brown) <input type="checkbox"/> GRN (Green) <input type="checkbox"/> GRY (Gray) <input type="checkbox"/> HAZ (Hazel) <input type="checkbox"/> MAR (Maroon) <input type="checkbox"/> PNK (Pink) <input type="checkbox"/> MUL (Multicolored) <input type="checkbox"/> XXX (Unknown)				
DNA <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DNA Location			WEIGHT (lbs.) 220
FBI Number	MNU Number		Ft. HEIGHT In. 6 0	
Defendant Fingerprinted: <input type="checkbox"/> YES <input type="checkbox"/> NO	Fingerprint Classification:			

DEFENDANT VEHICLE INFORMATION

Plate #	State	Hazmat <input type="checkbox"/>	Registration Sticker (MM/YY)	Comm'l Veh. Ind. <input type="checkbox"/>	School Veh. <input type="checkbox"/>	Oth. NCIC Veh. Code	Reg. same as Def. <input type="checkbox"/>
VIN	Year	Make	Model	Style	Color		

Office of the attorney for the Commonwealth ☐ Approved ☐ Disapproved Because: _____

(The attorney for the Commonwealth may require that the complaint, arrest warrant affidavit, or both be approved by the attorney for the Commonwealth Prior to filing. See Pa.R.Crim.P. 507).

(Name of the attorney for the Commonwealth) _____ (Signature of the attorney for the Commonwealth) _____ (Date) _____

I, **BERNARD S MARTIN**

D16

PSP/MPOETC -Assigned Affiant ID Number and Badge #

(Name of the Affiant)

of **Chester County Detectives**

PA0154500

(Police Agency ORI Number)

(Identify Department or Agency Represented and Political Subdivision)

do hereby state: (check appropriate box)

1. ☒ I accuse the above named defendant who lives at the address set forth above
☐ I accuse the defendant whose name is unknown to me but who is described as _____

☐ I accuse the defendant whose name and popular designation or nickname are unknown to me and whom I have therefore designated as John Doe or Jane Doe

with violating the penal laws of the Commonwealth of Pennsylvania at [254] WEST WHITELAND
(Subdivision Code) (Place-Political Subdivision)

LISA DRIVE WEST CHESTER, PA

in CHESTER County [CC] on or about 03/05/2018 1200
(County Code) (Offense Date)



POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed:	OTN/LiveScan Number	Complaint/Incident Number CC-19-00531
Defendant Name	First: MICHAEL	Middle: ANTHONY	Last: BOFFO

2. I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made.
3. I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa.C.S. § 4904) relating to unsworn falsification to authorities.
4. This complaint consists of the preceding page(s) numbered ____ through ____ .
5. I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

The acts committed by the accused, as listed and hereafter, were against the peace and dignity of the Commonwealth of Pennsylvania and were contrary to the Act(s) of the Assembly, or in violation of the statutes cited.

(Before a warrant of arrest can be issued, an affidavit of probable cause must be completed, sworn to before the issuing authority, and attached.)

BERNARD S MARTIN

(Date)

(Signature of Affiant)

AND NOW, on this date _____ I certify that the complaint has been properly completed and verified.

An affidavit of probable cause must be completed before a warrant can be issued.

(Magisterial District Court Number)

(Issuing Authority)

SEAL



POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: / /	OTN/LiveScan Number	Complaint/Incident Number
Defendant Name	First:	Middle:	Last:

The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically. (Set forth a *brief* summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated.)

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input checked="" type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____					
<input checked="" type="checkbox"/> Lead?	1	5111	(A) (1)	of the	18	6	F1	5199	090Z
PennDOT Data (if applicable)		Accident Number			<input type="checkbox"/> Interstate		<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone
Statute Description (include the name of statute or ordinance): Title 18 Pa.C.S.A. Crimes and Offenses § 5111. Dealing in proceeds of unlawful activities									
Acts of the accused associated with this Offense: (a) Offense defined.--A person commits a felony of the first degree if the person conducts a financial transaction under any of the following circumstances: (1) With knowledge that the property involved, including stolen or illegally obtained property, represents the proceeds of unlawful activity, the person acts with the intent to promote the carrying on of the unlawful activity.									

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input checked="" type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____					
<input type="checkbox"/> Lead?	2	5111	(A) (2)	of the	18	6	F1	5199	090Z
PennDOT Data (if applicable)		Accident Number			<input type="checkbox"/> Interstate		<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone
Statute Description (include the name of statute or ordinance): Title 18 Pa.C.S.A. Crimes and Offenses § 5111. Dealing in proceeds of unlawful activities									
Acts of the accused associated with this Offense: (a) Offense defined.--A person commits a felony of the first degree if the person conducts a financial transaction under any of the following circumstances: (2) With knowledge that the property involved, including stolen or illegally obtained property, represents the proceeds of unlawful activity and that the transaction is designed in whole or in part to conceal or disguise the nature, location, source, ownership or control of the proceeds of unlawful activity.									

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input checked="" type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____					
<input type="checkbox"/> Lead?	3	5111	(A) (3)	of the	18	23	F1	5199	90Z
PennDOT Data (if applicable)		Accident Number			<input type="checkbox"/> Interstate		<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone
Statute Description (include the name of statute or ordinance): Title 18 Pa.C.S.A. Crimes and Offenses § 5111. Dealing in proceeds of unlawful activities									
Acts of the accused associated with this Offense: (a) Offense defined.--A person commits a felony of the first degree if the person conducts a financial transaction under any of the following circumstances: (3) To avoid a transaction reporting requirement under State or Federal law.									



POLICE CRIMINAL COMPLAINT

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Defendant Name	First:	Middle:	Last:

The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically.
(Set forth a *brief* summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated.)

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input checked="" type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____					
<input type="checkbox"/> Lead?	4	4701	(A) (1)	of the	18	6	F3	5199	90Z
Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code		
PennDOT Data (if applicable)	Accident Number		<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone				
Statute Description (include the name of statute or ordinance): Title 18 Pa.C.S.A. Crimes and Offenses §4701. Bribery									
Acts of the accused associated with this Offense: A person is guilty of bribery, a felony of the third degree, if he offers, confers or agrees to confer upon another, or solicits, accepts or agrees to accept from another: (1) any pecuniary benefit as consideration for the decision, opinion, recommendation, vote or other exercise of discretion as a public servant, party official or voter by the recipient									

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input checked="" type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____					
<input type="checkbox"/> Lead?	5	4701	(A) (3)	of the	18	6	F3	5199	90Z
Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code		
PennDOT Data (if applicable)	Accident Number		<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone				
Statute Description (include the name of statute or ordinance): Title 18 Pa.C.S.A. Crimes and Offenses §4701. Bribery									
Acts of the accused associated with this Offense: (a) Offenses defined.--A person is guilty of bribery, a felony of the third degree, if he offers, confers or agrees to confer upon another, or solicits, accepts or agrees to accept from another (3) any benefit as consideration for a violation of a known legal duty as public servant or party official.									

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input checked="" type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____					
<input type="checkbox"/> Lead?	6	1103	(A)	of the	65	6	F	5199	90Z
Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code		
PennDOT Data (if applicable)	Accident Number		<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone				
Statute Description (include the name of statute or ordinance): Title 65 Pa.C.S.A. Public Officers § 1103. Restricted activities									
Acts of the accused associated with this Offense: (a) Conflict of interest.--No public official or public employee shall engage in conduct that constitutes a conflict of interest.									



POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: / /	OTN/LiveScan Number	Complaint/Incident Number
Defendant Name	First:	Middle:	Last:

The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically.

(Set forth a *brief* summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated.)

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input checked="" type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____
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<input type="checkbox"/> Lead?	7	1103	C	of the	65	6	F	5199	90Z
Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code		
PennDOT Data (if applicable)	Accident Number			<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone			

Statute Description (include the name of statute or ordinance): Title 65 Pa.C.S.A. Public Officers § 1103. Restricted activities

Acts of the accused associated with this Offense: (c) Accepting improper influence.--No public official, public employee or nominee or candidate for public office shall solicit or accept anything of monetary value, including a gift, loan, political contribution, reward or promise of future employment, based on any understanding of that public official, public employee or nominee that the vote, official action or judgment of the public official or public employee or nominee or candidate for public office would be influenced thereby.

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____
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<input type="checkbox"/> Lead?	8	903		of the	18	1	F1	5199	90Z
Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code		
PennDOT Data (if applicable)	Accident Number			<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone			

Statute Description (include the name of statute or ordinance): Title 18 Pa.C.S.A. Crimes and Offenses § 903. Criminal conspiracy

Acts of the accused associated with this Offense: ((a) Definition of conspiracy.--A person is guilty of conspiracy with another person or persons to commit a crime if with the intent of promoting or facilitating its commission he:

- (1) agrees with such other person or persons that they or one or more of them will engage in conduct which constitutes such crime or an attempt or solicitation to commit such crime; or
- (2) agrees to aid such other person or persons in the planning or commission of such crime or of an attempt or solicitation to commit such crime.

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____
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<input type="checkbox"/> Lead?				of the					
Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code		
PennDOT Data (if applicable)	Accident Number			<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone			

Statute Description (include the name of statute or ordinance):

Acts of the accused associated with this Offense:



POLICE CRIMINAL COMPLAINT

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Defendant Name	First:	Middle:	Last:

AFFIDAVIT of PROBABLE CAUSE

1) Case Summary

The Chester County District Attorney's Office has been investigating criminal activity related to the construction of the Mariner East Pipeline Project ("MEPP") in Chester County, Pennsylvania, by Energy Transfer LP ("Energy Transfer"), and subsidiaries Sunoco Logistics and Sunoco Pipeline, L.P. ("Sunoco Pipeline"). Collectively, these entities are commonly referred to as "Sunoco." During this investigation, criminal complaints have been filed against Pennsylvania State Constables who were misusing their authority and public office to act as a private security force for Sunoco.

Subsequent investigation has revealed a conspiracy by employees of Energy Transfer and its security subcontractors to recruit, pay, and hide payments to Pennsylvania State Constables to abuse their authority and public office in order to act as a private armed security force for the Mariner East Pipeline Project. Such conduct constitutes bribery, dealing in unlawful proceeds, violations of the Pennsylvania Ethics Act, and conspiracy to violate these laws. The charged individuals are: Frank Recknagel, Security Manager for Energy Transfer; Nikolas McKinnon, Senior Security Adviser for TigerSwan LLC; Michael Boffo, Site Security Supervisor for TigerSwan LLC; James Murphy, operator of Raven Knights LLC; and Richard Lester, registered owner of Raven Knights LLC.

2) Affiant Introduction

Affiant Bernard Sean Martin is a sworn police detective employed by the Chester County District Attorney's Office and has been so since Jan 9, 2017. Your affiant is empowered to conduct criminal investigations and make arrests for violations enumerated in the Pennsylvania Crimes Code (Title 18, Pennsylvania Consolidated Statutes as amended). Your affiant has been employed as a police officer since 2006. Prior to employment as a Chester County Detective, your affiant was a Corporal employed by the East Pikeland Police Department where your affiant was a field training officer, Municipal Drug Task Force lead officer, and investigative officer. In addition, your affiant was responsible for supervising all investigative activities for the department.

Your affiant has attended training courses on initial responses to police incidents, contemporary forensics, investigatory use of digital devices, use of force in law enforcement, interview and interrogation, and statement analysis. In addition, your affiant has received specialized training in interviewing, forensic evidence collection, principles of criminal investigation, theories of criminal behavior, and training on the Pennsylvania Rules of Criminal Procedure conducted by the Delaware County Municipal Police Academy, West Chester University, the Chester County District Attorney's Office, Pennsylvania State Police, and Federal Bureau of Investigation. Your affiant holds both a B.A. and



POLICE CRIMINAL COMPLAINT

AFFIDAVIT CONTINUATION PAGE

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AFFIDAVIT of PROBABLE CAUSE CONTINUATION

M.S. Degree in in Criminal Justice from West Chester University. Your affiant also holds a Ph.D. in the field of Leadership from Alvernia University.

During his career your affiant has conducted and participated in a wide range of criminal investigations including homicide, robbery, burglary, drug trafficking, sex crimes, assaults, child abuse, and financial crimes. Your Affiant has authored arrest warrants search warrants and court orders related to these investigations during his career. Your affiant has participated in the investigation, arrest, and prosecution of over 200 defendants.

3) Case Background

a) **Introduction of Business Entities and their Relationships**

i) **Energy Transfer/ Sunoco Pipeline L.P.**

Energy Transfer LP is a company engaged in the pipeline transport and storage of natural gas, crude oil, Natural Gas Liquids ("NGLs"), and refined products. It is organized in Delaware and headquartered in Dallas, Texas. It was founded as Energy Transfer Partners, L.P. in 1995 by Ray Davis and Kelcy Warren. Kelcy Warren is and has been Chairman and CEO of Energy Transfer and its predecessor entities since 1995. Energy Transfer holds a substantial portfolio of energy assets nationally. It owns a 36.4% interest in Dakota Access, LLC, the company responsible for developing the Dakota Access Pipeline.

Sunoco Pipeline L.P. is the entity that holds the construction permits for the MEPP. Following a merger of entities in 2017, Sunoco Pipeline is now a subsidiary of Energy Transfer Operating, L.P., which is in turn a subsidiary of Energy Transfer. After the 2017 merger, Energy Transfer effectively assumed control of all Sunoco Pipeline assets including the MEPP. The MEPP involves the co-location of new large diameter pipelines (Mariner East 2 and Mariner East 2X) in the existing right-of-way of a 1930s-era 8" pipeline (Mariner East 1).

ii) **TigerSwan**

A contract obtained via subpoena indicates that TigerSwan LLC ("TigerSwan") was contracted by Sunoco Pipeline as the security firm to oversee security on the pipeline project. Contracts indicate that any subcontractors providing security services answer to TigerSwan personnel for daily operations. TigerSwan is a security consulting group based in North Carolina. TigerSwan is the security company contracted by Energy Transfer during construction of the Dakota Access Pipeline. During the initial contracting phase of Energy Transfer's agreement with TigerSwan for work in Pennsylvania on the MEPP, TigerSwan was in litigation in North Dakota over allegations of operating an unlicensed security business. TigerSwan is a registered foreign corporation in the Commonwealth of Pennsylvania.



POLICE CRIMINAL COMPLAINT

AFFIDAVIT CONTINUATION PAGE

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AFFIDAVIT of PROBABLE CAUSE CONTINUATION

iii) Raven Knights

Records from the Pennsylvania Department of State show that Raven Knights LLC ("Raven Knights") was created on December 14, 2012, and has an address listed as 2319 Hoffer Street, Harrisburg, PA 17103, which is in Dauphin County. Pursuant to a subpoena, Wells Fargo provided the records for an account in the name of Richard Lester, Sr., doing business as Richard E Lester Security, with a mailing address of 2319 Hoffer Street, Harrisburg, PA 17103 (the "Raven Knights account"). The records showed the name "Raven Knights" in the account holder information section of numerous personal/small business checks issued on the account, with the address 2319 Hoffer St., Harrisburg, PA 17103-2060. The same account also had "Off Duty Security," 2319 Hoffer Street, Harrisburg, PA, printed in the account holder information section of numerous printed payroll checks. An insurance bond provided by James Murphy to personnel at TigerSwan and Energy Transfer was in the name of Richard Lester.

b) Introduction of Defendants

i) Frank Recknagel

Frank Recknagel is Energy Transfer's Security Manager assigned to the MEPP. Multiple witnesses and police reports have indicated that Recknagel has been in charge of security operations for the project. Pennsylvania Bureau of Labor and Industry records show that Recknagel is an Energy Transfer employee. In internal emails, Recknagel identifies himself as a "Senior Specialist, Security." Frank Recknagel was involved in several dozen email communications in which he coordinates with other persons known to be involved in Sunoco Pipeline security and directs the activities of subcontractors and Pennsylvania State Constables.

ii) James Murphy

James Murphy was the primary point of contact between Recknagel and Raven Knights. Murphy presented himself as the owner of Raven Knights and signed as the account holder for both deposits and withdrawals. Murphy is described as the owner/operator of Raven Knights by multiple witnesses and has answered as the respondent for subpoenas issued to the company. Murphy personally directed Pennsylvania State Constables to wear their badges and uniforms while working for the private pecuniary benefit of themselves, Raven Knights, Sunoco Pipeline, and Energy Transfer.

James Murphy is a former Pennsylvania State Police Trooper. As a Cadet, Murphy received extensive training on the laws of Pennsylvania as part of Pennsylvania State Police Academy training. Having spent more than a decade working in law enforcement, James Murphy has extensive knowledge of law enforcement roles within the Commonwealth of Pennsylvania and the authorities of different law enforcement agencies and positions. Murphy was convicted of felony violations of the Wiretap Act and



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AFFIDAVIT CONTINUATION PAGE

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AFFIDAVIT of PROBABLE CAUSE CONTINUATION

related charges in 2001, and is therefore ineligible to hold a private detective license under 22 P.S. § 16(b).

iii) Richard Lester

Richard Lester holds a bond for a private detective business in Pennsylvania. The Dauphin County Clerk of Courts office reports that Richard Lester holds a Private Detective License with Dauphin County, Pennsylvania, which is necessary to perform private security services. Lester is the registered owner of Raven Knights. Lester's business documents were used to secure work through TigerSwan and Energy Transfer. Lester is the sole listed owner on the bank account that acts as the operating account for Raven Knights. This account received payments from Energy Transfer subcontractors TigerSwan, JAB Inspections, and Otis Eastern Services. Lester issued and signed checks on this account to Pennsylvania State Constables for work performed for the private benefit of themselves, Raven Knights, Sunoco Pipeline, and Energy Transfer.

Richard Lester is a former Pennsylvania State Police Trooper. As a Cadet, Lester received extensive training on the laws of Pennsylvania as part of Pennsylvania State Police Academy training. Having spent more than a decade working in law enforcement, Richard Lester has extensive knowledge of law enforcement roles within the Commonwealth of Pennsylvania and the authorities of different law enforcement agencies and positions.

iv) Michael Boffo

Michael A. Boffo lists his position relative to the MEPP as Site Security Supervisor for TigerSwan. Boffo is reported by witnesses to be the supervisor for the Constable activity on Lisa Drive in West Whiteland Township, Chester County, and emails reveal he was involved in interviewing and hiring Pennsylvania State Constables.

v) Nikolas McKinnon

Nikolas "Nik" McKinnon lists his position relative to the MEPP as Senior Security Adviser for TigerSwan. Documents show that Nikolas McKinnon worked as an independent contractor paid through TigerSwan, although he reported and took direction directly through Frank Recknagel for the Energy Transfer MEPP. Email correspondence between McKinnon and Frank Recknagel suggests that McKinnon introduced James Murphy to Frank Recknagel for contracted work on the MEPP. Emails show that McKinnon was actively involved as the primary point of contact for Recknagel to receive information from and disseminate orders to Pennsylvania State Constables being paid by Energy Transfer through Raven Knights.



POLICE CRIMINAL COMPLAINT

AFFIDAVIT CONTINUATION PAGE

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AFFIDAVIT of PROBABLE CAUSE CONTINUATION

c) Summary of Charges and Relevant Statutes

i) Constables Act

In Pennsylvania, State Constables are elected officials. They are authorized to arrest, without warrant, anyone they view engaged in the commission of unlawful acts "tending to imperil the personal security or endanger the property" of "citizens." They do not receive compensation for such services. They are responsible for preserving the peace at polling places during elections and dealing with trespassing livestock. They are authorized by statute to serve arrest warrants and various forms of civil process, transport criminal defendants for court purposes, serve as courtroom security, and make arrests in limited circumstances, including for breach of the peace and violations of borough ordinances, along with a variety of other conduct directly related to these functions. They are paid by the courts at rates and in manners codified by statute for all official activities authorized by law, except for warrantless arrests, elections services, and in circumstances where they are delegated the authority to receive surrendered drivers' licenses, vehicle registration plates, and vehicle registration cards. In the latter two circumstances they are paid by the county and by the Department of Transportation, respectively.

Constables have been prohibited by case law from holding private detectives licenses in Pennsylvania since 1964, due to the need to avoid the appearance of that they would misuse their public authority for private interests. This prohibition has been extended to virtually all other types of law enforcement personnel. Case law also prohibits private detective businesses from employing law enforcement personnel, except for off-duty police who are not "high ranking" officials. Constables are prohibited by statute from representing themselves as officers of the court when not performing judicial duties. The Pennsylvania Code specifically states that "[w]hile a Constable or deputy Constable is performing duties other than judicial duties, regardless of whether or not he is certified under this subchapter, he shall not in any manner hold himself out to be active as an agent, employee or representative of any court, magisterial district judge or judge."

ii) Ethics Act

The Pennsylvania Ethics Act prohibits public officials or public employees from acting in self-serving ways that create a conflict of interest. A conflict of interest occurs where an official or employee uses his or her office for private gain. Accepting improper influence occurs where an official or employee becomes motivated to behave a certain way after accepting something of monetary value.



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AFFIDAVIT CONTINUATION PAGE

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AFFIDAVIT of PROBABLE CAUSE CONTINUATION

As elected officials, Pennsylvania State Constables are obligated by the Public Official and Employee Ethics Act to file an annual statement of financial interest containing, among other information, the name and address of any direct or indirect source of income in the amount of \$1,300 or more. The Ethics Act further prohibits the use of the office of State Constable for the Constable's private pecuniary benefit.

iii) Bribery

Bribery is offering or giving anything of monetary value to a public official in exchange for the use of that official's position. It is no defense that the official in question was not permitted to take the action paid for, whether because they did not actually hold the public office in question yet, or because the act paid for exceeded the official's jurisdiction, or for any other reason. Under Pennsylvania law, bribery also includes offering any benefit to a public servant to violate a known legal duty.

iv) § 5111 - Dealing in proceeds of unlawful activity

The crime of dealing in proceeds of unlawful activity consists of conducting any financial transaction knowing that the money involved came from conduct that constitutes a felony or first degree misdemeanor. It is also committed if a person conducts any financial transaction to avoid a transaction reporting requirement under State or Federal law. A financial transaction includes money paid to an individual for a service or activity.

v) Conspiracy

Conspiracy is when two or more people agree and intend to engage in criminal activity or aid the commission of criminal activity, and also take action to advance or encourage that criminal activity. Conspirators are culpable for the acts of their coconspirators that are done in furtherance of the conspiracy.

4) Investigation in Chief

a) Initial Complaints

On December 5, 2018, your affiant was assigned to an investigation into the construction and safety concerns surrounding the MEPP in Chester County. The pipeline is designed to transport natural gas liquids from the Marcellus Shale region in Allegheny County, Pennsylvania, to an extraction terminal in Marcus Hook, Delaware County, Pennsylvania. The pipeline enters Chester County in the Elverson area and runs through heavily populated regions of Chester County along the Route 100 corridor into Delaware County through Westtown Township. Multiple reports were received alleging drilling fluid pollution in groundwater sources feeding private wells and sinkholes opening along the construction



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path of the pipeline. In addition, concerns were raised regarding the possibility of a leak and explosion that could cause a catastrophic loss of life.

On January 2, 2019, I conducted an interview with Thomas Allen, a resident of Lisa Drive in West Whiteland Township, Chester County. Sunoco Pipeline held an easement to construct and operate the Mariner East 2 pipeline through a portion of Allen's property and had engaged in construction activities on that property. Allen related that he observed individuals on his property who were armed and identified by Sunoco subcontractor Bob Reilly as Pennsylvania State Constables. During a meeting with State Senator Andrew Dinniman on January 4, 2019, I was again informed of reports from residents that Sunoco was employing people working security on the project carrying firearms and displaying badges while identifying themselves as Pennsylvania State Constables. Residents reported being intimidated by armed men showing their badges while restricting residents' movements on their own property.

b) Confirmation of Constable Activity

On January 20, 2019, a subsidence event occurred on Lisa Drive. The event caused a sinkhole that exposed the Mariner East 1 pipeline. On January 21, 2019, at approximately 10:30 a.m., I was on duty conducting an investigation from my vehicle parked on Lisa Drive in West Whiteland Township. I was parked in a legal public parking area on the public street. A subject approached my window and identified himself as State Constable Mike Robel. Constable Robel stated that I could not be parked where I was and had to park down the street. He was wearing a patrol style duty belt with a firearm and displayed his Pennsylvania State Constable badge. Robel stated that he was from Northumberland County and that he was employed by Sunoco. I identified myself as a Chester County Detective and informed Robel that I would move once I was finished what I was doing.

I subsequently ran a search for Michael Robel, confirming that he was a Constable in Northumberland County. At approximately 2:00 p.m. the same date, I was assisted by Officer Melendez of West Whiteland Police in making contact with Michael Robel again on Lisa Drive. I asked Robel who he was employed by and he stated that he was employed as a subcontractor for Sunoco working for James Murphy. Robel stated that he was not being paid by the courts. Robel stated that Sunoco wanted certified Constables in uniform as private security for the project.



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A search of records from the Pennsylvania Commission on Crime and Delinquency ("PCCD") shows that Robel was a certified Constable from Northumberland County with his commission expiring February 12, 2019.

c) Documented Contact With Constables in Chester County

During the investigation, your affiant obtained police reports from West Whiteland Township detailing numerous contacts with security personnel who identified themselves as State Constables to West Whiteland Township Police Officers. These reports provided identifying information for sworn Constables working as private security for Sunoco.

Your affiant reviewed West Whiteland Police report incident number 18-062812. This report from March 5, 2018, details the response of West Whiteland Township Police Officer Matthew Nissen to a trespassing complaint to the rear of 475 Lisa Drive on a Sunoco Pipeline easement. The complainant identified himself as Constable Kareem Johnson. Officer Nissen's report indicates that Johnson was hired by Sunoco.

Your affiant reviewed West Whiteland Police report incident number 18-081765. This report from March 24, 2018, details the response of West Whiteland Township Police Officer Michael Gardener to a disturbance in front of 487 Lisa Drive. Gardener made contact with Pennsylvania State Constable Kareem Johnson who Officer Gardener described in his report as a security worker contracted by Sunoco.

On February 1, 2019, I interviewed Daniel Zegart in reference to the MEPP. Zegart is a journalist. Zegart stated that on June 5, 2018, he was parked on Lisa Drive writing some notes for a story. He was photographed by a pipeline worker in construction gear. Zegart recorded the incident on his cell phone and provided the video during my interview of him. In the video, Zegart was told to speak to an individual identified by the pipeline worker as a State Constable. Zegart then made contact with a subject wearing a hard hat, neon construction vest, and displaying a badge and polo shirt that appeared to have the state seal on it. It is unclear from the video if the Constable was armed. The Constable instructed Zegart not to step off of the street. The Constable did not answer Zegart when asked who he was working for. A copy of the video was reviewed by Chester County Detective Keith Cowdright, who identified the Constable captured on video as Kareem Johnson.

A search of records from the PCCD shows that Kareem Johnson is a certified Constable from Chester County with his commission expiring December 31, 2019.



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I reviewed West Whiteland Police Department Report 18-126669. The report documents that on May 7, 2018, at approximately 19:18 hours, West Whiteland Township Police Officer Timothy Mullin responded to a disturbance at 479 Lisa Drive, West Chester PA, 19380. Mullin made contact with Pennsylvania State Constable Tyrai Anderson. Officer Mullin stated in his police report that he was informed that Anderson was reportedly hired as a deterrent and to monitor the Lisa Drive location.

A search of records from the PCCD shows that Tyrai Anderson is a certified Constable from Dauphin County with his commission expiring December 31, 2019.

Documents received from Pennsylvania State Ethics Commission showed that Anderson petitioned the court to be appointed a State Constable and an order dated March 30, 2018, was issued by Dauphin County Common Pleas Court Judge Richard A. Lewis. Contained in the order is language stating that in order for Anderson to perform any judicial services he must obtain and maintain certification by the Constables Education and Training Board and obtain professional liability insurance, then file proof of this with the Dauphin County Clerk of Courts. The certificate of insurance filed with the Dauphin County Clerk of Courts indicates that Anderson obtained the required insurance on May 14, 2018.

At the time he made contact with West Whiteland Police Officers on May 7, 2018, Tyrai Anderson was not permitted to perform judicial duties according to the order signed by Dauphin County Common Pleas Court Judge Richard Lewis appointing him to the position of Constable.

d) Hiring, Supervision and Management of Constables

On March 13, 2019, I interviewed Constable Tyrone Harley Jr. at the Chester County Detectives Office regarding his employment as security for Sunoco along the MEPP.

Harley stated that he was elected Constable for West Caln Township in 2016. Harley stated that he was recruited to do security on the pipeline by a man known to him as James Murphy. Harley identified Murphy as a retired Pennsylvania State Trooper. Harley knows him through the Masonic Lodge. Harley stated that he was paid \$25 an hour for his time working security. Harley stated that he received paper paychecks for the work.

Harley stated that he reported to a man named Mike Boffo when working on the project. He provided a phone number and email address for Boffo. The phone number and email address matched those for Michael Boffo in subsequently obtained emails from Energy Transfer. Harley stated that he mostly used a text based application called "WhatsApp" for communication regarding his work on the pipeline project. Harley stated that Boffo was the person who had provided the body camera for the security



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detail on Lisa Drive. Harley stated that he attended a meeting at the Fairfield Inn in Lionville on how to use the camera. Harley stated that he never had a chance to use the camera as he was not out on the site after that meeting.

On April 8, 2019, I interviewed Pennsylvania State Constable Paul Norris at the Chester County District Attorney's Office.

Paul Norris stated that he is an appointed deputy Constable for West Pikeland Township. Norris stated that in April of 2018 he was sitting next to State Constable Kareem Johnson when doing firearms qualifications. Johnson was talking to him about security work for the Sunoco Project in Chester County. Norris indicated to Johnson that he would be interested and to pass his number along to the people running the job. Norris stated that he received a call from a security supervisor a few weeks later.

The supervisor asked Norris if he was a certified State Constable with a firearm certification. Norris stated that he indicated that he would not wear his Constable badge and uniform while working because he was not performing Constable duties in doing security. Norris stated that when he is doing Constable work his pay comes from the courts. Norris did do security work for the pipeline. Norris stated that he never wore a badge but did carry his firearm open carry. Norris stated that prior to starting work, he faxed copies of all of his credentials to James Murphy. Norris stated that Murphy's company Raven Knights was the name on the checks he received for his security work on the project. Norris stated that he did not receive an IRS 1099 tax form for the work he did.

Norris stated that he was posted at the egress point on an access easement and was supposed to identify people in the area and keep them off of the easement. Norris stated that Kareem Johnson usually contacted him when there were open shifts.

Norris stated that he was paid by check from a company called Raven Knights. Norris stated that the checks were regular personal/small business checks as opposed to payroll checks. Norris stated that the address on the checks was somewhere in the Harrisburg area.

Norris identified State Constable Mike Robel as someone who worked in the area. Norris commented that Robel liked to let everyone know he was a State Constable and wore his uniform and duty belt while working.

On August 23, 2019, your affiant interviewed Pennsylvania State Constable Kareem Johnson. Johnson stated that he first became aware of the work for Sunoco when he overheard Tyrone Harley talking



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about it. Johnson stated that he told Harley he was interested and Harley provided a number to call. Johnson stated that he called and spoke to someone he believed to be Nikolas McKinnon from TigerSwan. Johnson then went in person to the Fairfield Inn on Route 100 in Exton and met with Mike Boffo and Bobbie Ripley from Tiger Swan. Johnson provided a copy of his driver's license, Constable Identification, and Firearms Certification at this meeting. During this meeting, he was wearing his Constable uniform and was told to wear his Constable uniform while working security on the pipeline project by Boffo and Ripley. Johnson further filled out a tax form as well when meeting with Boffo and Ripley.

Johnson stated that during the spring of 2018 he attended a meeting at the Fairfield Inn in Lionville where he was trained on how to use the body camera system. Johnson stated that TigerSwan personnel maintained the camera system and would swap out devices to download the video contained on them. Johnson stated that the cameras only recorded when manually activated by the wearer and he would record his patrol checks on equipment as well as any incidents that occurred.

Documents produced in response to a subpoena show that a training was conducted at the Lionville Fairfield Inn during June of 2018. This training was for Pennsylvania State Constables on the use of body worn cameras. A sign in sheet was recovered from this training as well as an information sheet. The sign in sheet contained signatures of Johnson, Harley, Norris, and other State Constables.

Emails written by Mike Boffo, Bobbie Ripley, and Nikolas McKinnon were recovered and contained detailed descriptions of the activities of Pennsylvania State Constables on the MEPP in Chester County.

On June 1, 2018, Bobbie Ripley sent an email to Frank Recknagel indicating that all of the State Constables working in the area were attending a mandatory training on the use of a body worn camera which she was conducting.

Documents recovered show that during a field report for March 6th to 19th of 2018, Tiger Swan reported that Constables had started duty on Lisa Drive on March 7. The report indicates "Night Duty Constable Started."

Frank Recknagel was involved in several dozen email communications that dealt directly or indirectly with the use of Constables as security at various MEPP construction sites in Pennsylvania, including Lisa Drive in West Whiteland, Chester County. In the text of one such email about a site in Elverson, Chester County, Pennsylvania on Thursday, August 17, 2017, Recknagel communicated that he was "working on a plan to have a licensed-armed/unformed [sic] PA State Constable provide coverage at this specific



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area." On November 30, 2017, Recknagel communicated in an email that Energy Transfer's "unwritten policy" is to use "On Duty" law enforcement, Sheriffs, or Constables for armed security details. This statement was made in response to a suggestion that it might be easier to find an off-duty police officer for a particular security detail.

On April 12, 2018, an executive level supervisor from energy transfer instructed Recknagel and other Energy Transfer personnel to make security personnel available to meet local parents. This was in response to inquiries from Chester County parents who were concerned about armed men with, to their knowledge, no criminal background checks or child abuse clearances parked on the street 24 hours a day, 7 days a week behind tinted glass, watching them and their children. Emails stated that their armed security were a "deterrent" for the children in the Lisa Drive neighborhood. In response to a suggestion from a lower-ranking project manager that some unnecessary personnel could be removed from the area to lessen the concerns of these parents, the employees were instructed not to change the arrangement, only to offer a meeting to provide a "higher level of comfort."

Investigation determined that TigerSwan LLC was contracted to conduct security consulting operations on the MEPP in Pennsylvania. TigerSan maintained supervisory control over all security personnel while payments were made through a series of transactions between subcontractor groups such as TigerSwan, JAB Inspections, and Raven Knights. Michael Boffo was identified through witness statements, emails, and contact with local law enforcement as being the TigerSwan employee responsible for operations in Chester County. Bobbie Ripley and Nikolas McKinnon were also identified as TigerSwan contractors operating in Chester County. Ripley received multiple incident reports from Constables concerning notable incidents in Chester County and disseminated those reports up the chain of command to McKinnon. McKinnon conveyed reports from Ripley and the Constables to Recknagel and kept him apprised of Constable activity. All three TigerSwan employees are the senders and recipients of emails detailing the use of armed, uniformed, and sworn State Constables for security purposes.

During an interview with Pennsylvania State Constable Tyrone Harley on March 13, 2019, Harley stated that he reported to a man named Mike Boffo when working. He provided a phone number of (910) 382-3700 and email address of m.boffo@tigerswan.com as contact information for Boffo. Emails provided by Energy Transfer in response to subpoena confirm that Boffo used that email address to communicate about the hiring of Constables, including sending McKinnon insurance and identifying information about Constables to be hired for use on Lisa Drive, West Whiteland Township, Chester County, Pennsylvania. Harley stated that Boffo was the person who had provided the body camera for the security detail on



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Lisa Drive. Harley stated that he attended a meeting at the Fairfield Inn in Lionville on how to use the camera.

During an interview with Pennsylvania State Constable Paul Norris on April 8, 2019, Norris stated that Boffo had an office established at the Fairfield Inn in Lionville. Boffo had a group of suites rented and ran much of the security operations out of that location. Norris stated that Boffo would occasionally leave checks in envelopes with the night clerk at the Fairfield Inn for the Constables to pick up. Norris stated that he was paid by check. Norris stated that he was paid \$25 an hour for the armed security work. The checks were most often delivered to the work sites by Mike Boffo, who would ride around and check on the security personnel.

e) Financial Transactions conducted to hide payments to Constables and evade reporting requirements.

i) Raven Knights

Investigation of payments made to Pennsylvania State Constables through Raven Knights shows that James Murphy and Richard Lester used a bank account at Wells Fargo to circumvent tax reporting requirements by using different checks to make payments to these Constables than were issued to regular security personnel. Many security personnel were paid via payroll checks with the name "Off Duty Services" in the account holder area of the check. The handwritten checks issued to Constables were not put through a payroll account with the name Off Duty Services and these payments to Constables were not subject to any official tax documentation. These payments were made in a manner that evaded reporting requirements and helped to conceal the illegal activities of these Pennsylvania State Constables. The failure of Murphy and Lester to provide tax documentation to Pennsylvania State Constables also enabled these individual Constables to commit Ethics Act violations by not reporting their income on the required statement of financial interest forms.

ii) Use of Sub-Contractors

Investigation revealed that Energy Transfer employee Frank Recknagel was the lead in hiring Pennsylvania State Constables to abuse their authority for private interests. The payment for these Constables was separated from the operational chain of command by Recknagel who arranged for construction subcontractors to pay Raven Knights. This financial arrangement was created with the direct knowledge of Nikolas McKinnon, who was copied on emails documenting these arrangements. The construction subcontractors had no oversight authority over the Pennsylvania State Constables and the transactions were conducted in a manner intended to conceal Energy Transfer's supervision and direction of said Constables as is evidenced by statements made by the company.



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On August 8, 2019, Pennsylvania State Constables Michael Robel and Kareem Johnson were arrested for Bribery, Official Oppression, and Ethics Act violations. Lisa Coleman, an Energy Transfer spokesperson, said in an emailed statement about the arrest: *"Constables Johnson and Robel were not Sunoco or Energy Transfer employees. They were employed by Raven Knights, who provided security services and personnel. We have a code of conduct for all of contractors and third party vendors that clearly states what are acceptable behaviors and business practices, and we expect our contractors and their employees to adhere to that."* Documents obtained from Energy Transfer show that the Constables were hired at the direction of Energy Transfer employees and that the payment to law enforcement for the use of such authority is a company policy.

5) Specific Acts in Furtherance of Conspiracy

a) Specific Financial Transactions Conducted

i) Financial Transaction Investigation Introduction

A review of documents obtained from Energy Transfer and Wells Fargo, and statements made by Constables hired by Raven Knights, demonstrate that James Murphy and Richard Lester paid these Constables for the benefit of the private interests of Energy Transfer and its subsidiary, Sunoco Pipeline. Sunoco Pipeline contracted with various entities to provide security and construction services related to the MEPP. These entities, in turn, paid Raven Knights to obtain security personnel for the MEPP.

Checks were deposited and money transferred directly into the Raven Knights account from sources including: TigerSwan, Off Duty Services, Inc., JAB Inspections, and Otis Eastern Services. Each of these entities made multiple payments to Raven Knights coinciding with the known timeframe of Constable activity in West Whiteland, as confirmed by internal Energy Transfer emails.

A review of the Ravens Knights Account shows that numerous checks written to the order of Raven Knights and deposited into the account were endorsed by James Murphy, including checks from TigerSwan and Otis Eastern Services. Multiple checks were written payable to James Murphy on this account, and multiple online transfers were made directly to Murphy. Murphy's signature also appears on two withdrawal slips below a portion that states "I authorize this withdrawal and acknowledge receipt of the amount indicated below."

Checks were deposited into the Raven Knights account appeared to come from TigerSwan and Otis Eastern Services. JAB Inspections transferred funds directly into the Raven Knights account. All of these transactions coincide with the known timeframe of Constable activity in West Whiteland.

ii) JAB Inspections



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In March of 2018 Frank Recknagel made arrangements with JAB Inspections through Nikolas McKinnon of TigerSwan for Raven's Knights to provide Constables for Lisa Drive in West Whiteland Township. JAB Inspections was responsible for paying Raven's Knights for services provided in the Lisa Drive area despite having no operational control over the security team or participation in the selection of personnel. Construction Manager Ray Banach, who was employed by JAB Inspections during 2018 and had supervisory responsibility for MEPP construction in Chester County, made sworn statements indicating that he and his company had no authority over security personnel on site.

On June 29, 2018, JAB Inspection transferred \$59,040 to the Raven Knights account. Information provided by Energy Transfer, L.P. and Sunoco Pipeline, L.P. confirmed that JAB Inspections provided construction supervision services in connection with the Mariner East 2 pipeline project in Chester County, Pennsylvania. The transaction description includes the phrase "Lisa Dr." On August 10, 2018, JAB Inspection transferred \$105,360 to the Raven Knights account. The transaction description includes the phrase "Lisa Drive." On September 11, 2018, JAB Inspection transferred \$57,400 to the Raven Knights account. On November 2, 2018, JAB Inspection transferred \$90,042 to the Raven Knights account. The transaction description includes the phrase "Lisa Dr." On January 8, 2019, JAB Inspection transferred \$27,560 to the Raven Knights account. The total value transferred through JAB Inspections was \$339,402 in 5 transactions.

iii) TigerSwan

15 checks deposited into the Raven Knights account list TigerSwan Inc. in the account holder information section. As stated previously, records provided by Energy Transfer, L.P. document that TigerSwan was a subcontractor responsible for security services in connection with the MEPP in Chester County, Pennsylvania. The total value of checks from TigerSwan was \$436,048.03. These checks were issued from December 6, 2017, through February 8, 2019, to Raven Knights Security.

iv) Otis Eastern

Three checks deposited into the Raven Knights account list Otis Eastern Services in the account holder information section. Records provided by Energy Transfer, L.P. document that Otis Eastern Services was a subcontractor responsible for drilling and construction services in connection with the Mariner East 2 pipeline project in Chester County, Pennsylvania during 2017. The total value of checks from Otis Eastern Services was \$29,140. These checks were issued on September 28, 2017, October 18, 2017, and December 13, 2017, to Raven Knight Security.

v) Financial Transaction Investigation Summary



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In total, from September 28, 2017 through February 8, 2019, Frank Recknagel, aided by Nikolas McKinnon, arranged for Energy Transfer's subcontractors to make 23 separate transactions to pay a total of \$804,590 to Raven Knights for the purposes of bribing Pennsylvania State Constables to use the authority of their office for their private pecuniary interest and the private pecuniary interests of those Constables, Raven Knights, Sunoco Pipeline, and Energy Transfer and avoiding State and Federal tax laws and Pennsylvania's Ethics Act. Richard Lester and James Murphy used the Raven Knights account, in turn, to pay approximately 19 certified Pennsylvania State Constables a total of \$235,030 through 35 payroll checks and 192 handwritten checks on the Raven Knights account from September 29, 2017 through March 14, 2019 for the use of their public offices for their private pecuniary interests and those of Raven Knights, Sunoco Pipeline, and Energy Transfer.

(1) Homeland Security Audit and Findings

On May 15, 2019, Special Agent Thomas Eyre and Auditor Brian Golden of HSI Philadelphia served a Notice of Inspection (NOI) for I-9s and other documents on Richard Lester at his residence in Harrisburg. A review of the articles of incorporation for Raven Knights LLC show that Lester is listed as the organizer. Lester advised the agents that the business was incorporated around 2012. Lester was asked if he was on the articles of incorporation for Raven Knights and Lester advised that he was. Lester advised Eyre that his boss and business associate was James Murphy. Lester advised that he would coordinate with Murphy upon his return regarding the NOI.

On July 1, 2019, James Murphy made phone contact with Homeland Security agent Thomas Eyre. During the call Murphy made statements that the only reason his company was being audited is because of his work on the pipeline. Murphy told Eyre that he has had a contract with Sunoco the past three years for the pipeline project that runs through the entire state of Pennsylvania that may have "made some people jealous." Murphy stated that he does not have employees but contractors to whom he provides IRS 1099 tax forms.

On July 25, 2019, HSI received the responsive documents to the audit. The person who provided the documents responsive to the audit was Richard Lester but all of the dialogue with the company by HSI after the NOI was served was with James Murphy. Murphy also did not appear to be on the list of people who received wages in any of the documents provided by Raven Knights.

A review of the Ravens Knights account showed approximately 19 certified Pennsylvania State Constables receiving pay checks from the company. Several of these State Constables were paid using handwritten checks on the Ravens Knights account with the Ravens Knights check heading and they



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were not issued an IRS 1099 tax form for any of the payment years documented in the account records. Paychecks issued under the printed Off Duty Services payroll checks appear routinely to have been reflected in the 1099 forms provided during audit. No 1099 forms were located for Pennsylvania State Constables Kareem Johnson, David Dunacusky, Paul Norris, Lamont Sellers, or Tyrone Harley, who were exclusively paid using the Raven Knights handwritten small business checks. The 1099 form for Pennsylvania State Constable Paul Bollinger omitted \$6,250 of compensation from Raven Knights for the year 2018. Many constables found to have been paid exclusively through the handwritten checks were not issued a 1099 form and appear to have been paid outside of required record keeping.

Records recovered for the Raven Knights account show that Kareem Johnson was paid \$36,785 through 24 checks in 2018 related to his work as private security in Chester County. Your affiant obtained video of Johnson performing security services on Lisa Drive in West Whiteland Township, Chester County, Pennsylvania. Email communications between Frank Recknagel and TigerSwan personnel confirmed that Johnson provided security services on Lisa Drive in West Whiteland Township, Chester County, Pennsylvania. Audit documents showed that Raven Knights LLC did not provide a 1099 tax document to Kareem Johnson.

Records recovered for the Raven Knights account show that Paul Norris was paid \$5,585 through 12 handwritten checks in 2018 related to his work as private security in Chester County. Audit documents showed that Raven Knights LLC did not provide a 1099 tax document to Paul Norris.

Records recovered for the Raven Knights account show that Tyrone Harley was paid \$2,965 through 9 handwritten checks in 2018 related to his work as private security in Chester County. Harley acknowledged doing so. Audit documents showed that Raven Knights LLC did not provide a 1099 tax document to Harley.

Records recovered for the Raven Knights account show that David Dunacusky was paid \$4,200 through 7 handwritten checks in 2018 related to his work as private security in Chester County. Dunacusky was interviewed by your affiant and admitted performing security services in Chester County. Audit documents showed that Raven Knights LLC did not provide a 1099 tax document to Dunacusky.

Records recovered for the Raven Knights account show that Pennsylvania Constable Tyrai Anderson was paid \$23,497.50 through 17 handwritten checks in 2018 related to his work as private security in Chester County. Email communication between Frank Recknagel and TigerSwan personnel confirmed that Anderson provided security services on Lisa Drive in West Whiteland Township, Chester County, Pennsylvania.



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Records recovered for the Raven Knights account show that Pennsylvania Constable Lamont Sellers was paid \$540 through 1 handwritten check in 2018 related to his work as private security in Chester County. Audit documents showed that Raven Knights LLC did not provide a 1099 tax document to Sellers. Emails between Frank Recknagel and TigerSwan personnel confirmed that Sellers provided security services on Lisa Drive in West Whiteland Township, Chester County, Pennsylvania.

Records recovered for the Raven Knights account show that Pennsylvania Constable Paul Bollinger was paid \$29,310 through 18 handwritten checks in 2018 related to his work as private security in Chester County. Audit documents showed that Raven Knights LLC provided a 1099 tax document to Bollinger that omitted \$6,250 of compensation. Email between Frank Recknagel and TigerSwan personnel confirmed that Bollinger provided security services on Lisa Drive in West Whiteland Township, Chester County, Pennsylvania.

Records recovered for the Raven Knights account show that Pennsylvania Constable Michael Robel was paid \$29,075 through 21 handwritten checks in 2018 and 2019 related to his work as private security in Chester County. Your affiant personally observed Robel providing security services on Lisa Drive in West Whiteland Township, Chester County, Pennsylvania, at which time Robel admitted he was working in a private security capacity for "Sunoco." Email communications between Frank Recknagel and TigerSwan personnel confirmed that Robel provided security services on Lisa Drive in West Whiteland Township, Chester County, Pennsylvania.

These payments were conducted in a fashion calculated to avoid legally-mandated reporting requirements, and with the intent that the Constables would use their office for the private benefit of themselves and of Energy Transfer and its subsidiaries in exchange for money.

(2) Constables Ethics Reporting

A review of publicly available State Ethics forms showed that of 19 Constables identified via the Homeland Security Audit, none reported Sunoco Pipeline, Energy Transfer, or any subsidiary entity as an indirect source of income. Only two individuals reported Raven Knights as a direct source of income. Of the seven Constables who received more than \$1,300 for this work in Chester County and were therefore required to report it on their Statement of Financial Interest, none did until after criminal charges were filed against Constables Johnson and Robel. A substantial number of the Pennsylvania State Constables identified as having been paid by Raven Knights (including five who worked in Chester County) filed Statements of Financial Interest reporting income from sources such as real estate, private



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businesses, and being paid by the courts but left off any income earned that was paid by Murphy using Raven Knights checks.

(3) Raven Knights Bank Account and Checks

Pursuant to a subpoena, Wells Fargo provided the records for the Raven Knights account in the name of Richard Lester. The records showed that the same account number had the name Raven Knights on personal/small business checks. The same account also had Off Duty Security, 2319 Hoffer Street, Harrisburg, PA, (the same address as listed for Raven Knights) as the name on printed payroll checks. Multiple checks were written from this account to James Murphy, Richard Lester, Kareem Johnson, Michael Robel and approximately 17 other Pennsylvania State Constables.

All checks written on this account were signed with the name Richard Lester but the signature appears to have been consistently written by at least two people. The name Richard Lester appears in the endorsement area on the back of nearly all checks deposited in this account. The signatures appears to have been consistently written by at least two people. James Murphy's signature also appears in the endorsement area of checks deposited in this account.

Investigation into Raven Knights LLC determined that the company is wholly owned by Richard Lester but operated primarily by James Murphy. James Murphy's signature appears on withdrawal slips on the account for recipients James L. Murphy and James Murphy. The first withdrawal slip is dated January 4, 2017, in the amount of \$1,825. The second slip is dated July 12, 2017, in the amount of \$378.37. Murphy's signature appears on each slip below a portion that states "I authorize this withdrawal and acknowledge receipt of the amount indicated below." It also instructs that the slip be signed in the presence of the teller. Each signature matches the signature that James Murphy provided to the Pennsylvania Department of Transportation for his driver's license, as well as the signature located in the endorsement line on the back of checks issued on this account to James Murphy.

James Murphy's signature appears on the endorsement line of checks deposited in this account, made out to Raven Knights, on October 11, 2017, October 17, 2017 (two checks), November 6, 2017 (three checks), November 14, 2017, December 20, 2017 (two checks), and August 7, 2018. The two checks deposited on December 20, 2017, bear both the signature of James Murphy and a signature in the name of Richard Lester that is inconsistent with the signature used to open the account and the signatures that appear on the signature lines of checks written on this account. This signature is consistent with the majority of signatures in the endorsement line of checks deposited into this account.



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On January 22, 2019, the Chester County District Attorney's Office issued a press release regarding an investigation into the improper use of Constables for private security in connection with the Mariner East pipeline project. The press release stated, in part, "We want to know who hired these Constables and authorized them to act like they have some type of legal authority in Chester County." All checks deposited into the Raven Knights account from the date of that press release until the date the bank records were obtained were endorsed with the signature "Raven Knight Security."

A review of the Raven Knights account shows that checks endorsed with the signature of James Murphy included checks from TigerSwan LLC, Orion Security, and Otis Eastern Services payable to "Raven Knights," "Raven Knight Security," and "Raven Knights Security."

Two checks drawn on the Raven Knights account have the title "Constable" on the payee line before the recipient's last name. A handwritten personal/small business check dated May 18, 2018, is made out to "Constable Spigelmey." Records from the PCCD confirm that a Samuel Spigelmeyer is a state Constable with a term from August 31, 2017, through December 31, 2021. A handwritten personal/small business check dated May, 18, 2018, in the amount of \$720 is made payable to "Constable Showers". Records provided by the PCCD that a Harold Showers held the office of Constable in Northumberland County beginning on January 1, 2014, with a term set to expire December 31, 2019.

b) Specific Communication about Constables

i) Communications Generally

Investigation revealed multiple email communications detailing the use and payment of Constables, Constables' schedules, credentials, training, and duties between Energy Transfer employee Frank Recknagel, TigerSwan employee Michael Boffo, TigerSwan employee Bobbie Ripley, TigerSwan employee Nikolas McKinnon, James Murphy, and other people involved in the operations of the security. Emails specifically differentiate between Security and Constables assigned to security details on the construction sites when talking about personnel and about budgetary considerations.

ii) Frank Recknagel

Matthew Gordon identified Frank Recknagel as the Director of Security for the MEPP. Gordon stated that Recknagel was in charge of security operations for the project and Gordon was responsible for financial paperwork related to security. This is confirmed through the examination of emails that showed Gordon's involvement to be limited to questions of budgeting and coding for bills. The Pennsylvania Bureau of Labor and Industry shows that Recknagel is an Energy Transfer employee. Frank Recknagel was involved in several dozen email communications which dealt directly or indirectly with



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the use of Constables as security at various MEPP construction sites in Pennsylvania, including Lisa Drive in West Whiteland, Chester County. In the text of one such email about a site in Pennsylvania on Thursday, August 17, 2017, Recknagel communicated that he was "working on a plan to have a licensed armed/unformed [sic] PA State Constable provide coverage at this specific area." On November 30, 2017, Recknagel communicated in an email that Energy Transfer's "unwritten policy" is to exclusively use on duty law enforcement, Sheriffs, and Constables for armed security details. This statement was made in rejecting a suggestion by Bobbie Ripley that it would be easier to find a qualified, off-duty police officer for an armed security detail.

On August 16, 2017, TigerSwan employee Nikolas McKinnon sent an email to Frank Recknagel which purported to contain a Constable Bond for James Murphy. The attached bond was in the name of Richard Lester and was for a private detective business. Recknagel also stated in an email on August 1, 2018 that James Murphy would submit invoices through JAB Inspections for the Constable services. In a March 2018 email, Recknagel directed Nikolas McKinnon to have McKinnon, Boffo, or Ripley train Constables brought into the project for Lisa Drive. Recknagel was the author of and copied on numerous emails discussing the hiring, training, and use of Pennsylvania State Constables for private interests on the MEPP.

iii) James Murphy

On October 8, 2018, James Murphy sent an email to Frank Recknagel purporting to be the quarterly breakdown of spending for security at Lisa Drive in West Whiteland Township. Murphy was also copied on dozens of emails regarding training and use of Constables in West Whiteland Township, Chester County. James Murphy was the author of and copied on numerous emails discussing the hiring, training, and use of Pennsylvania State Constables for private interests on the MEPP.

iv) Richard Lester

On August 16, 2017, Nikolas McKinnon sent an email to Frank Recknagel with James Murphy's information indicating that Murphy was a Constable who could work security. The document attached to this email was a private detective surety bond in the name of Richard Lester. Richard Lester provided this documentation to satisfy the requirements of Frank Recknagel and Nikolas McKinnon for them to use Raven Knights to bribe Pennsylvania State Constables.

v) Michael Boffo

On March 8, 2018, Michael Boffo sent an email to Nikolas McKinnon containing a Constable Bond for Richard Bollinger as documentation for the use of Bollinger as security. Boffo was the author of and



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copied on numerous emails discussing the hiring, training, and use of Pennsylvania State Constables for private interests on the MEPP.

vi) Nikolas McKinnon

On August 16, 2017, Nikolas McKinnon sent an email to Frank Recknagel with James Murphy's information indicating that Murphy was a Constable who could work security. The document attached to this email was a private detective surety bond in the name of Richard Lester. McKinnon was the author of and copied on numerous emails discussing the hiring, training, and use of Pennsylvania State Constables for private pecuniary interests connected to the MEPP.

6) Investigative Conclusion

Witness interviews, bank records, and emails reveal that Frank Recknagel, Michael Boffo, Nikolas McKinnon, James Murphy, and Richard Lester conspired to recruit, hire, and pay Pennsylvania State Constables to use their badges and authority for the private security interests of Sunoco Pipeline. Frank Recknagel specifically recruited and hired sworn Pennsylvania State Constables to wear their uniform, badge, and firearm for private security interests. Emails indicate that the use of said uniformed and armed security would "act as a deterrent" for children in the area of Lisa Drive in West Whiteland Township, Chester County. Recknagel arranged for payment from Energy Transfer to be made through a number of subcontractors who had no operational control over said security personnel and were not responsible for ensuring any aspect of the performance of the Constables. Recknagel did this while directing other personnel contracted on the project to provide training and supervision of said Constables.

Murphy and Lester had extensive experience in Law Enforcement and were familiar with the laws of the Commonwealth and scope of authority of law enforcement positions within Pennsylvania. Despite their extensive knowledge of law enforcement in Pennsylvania, the defendants hired sworn law enforcement to represent themselves as officers of the court by displaying their badges, insignias, and firearms for the purposes of furthering private interests. Using the appearance of lawful authority to intimidate residents is a criminal misuse of office, and paying elected officials to do so is bribery under Pennsylvania statute. The defendants further used their bank account to circumvent required tax record keeping by using handwritten checks to avoid issuance of an IRS 1099 tax form to Constables they paid to use their position for private interest.

All defendants engaged in a conspiracy to Bribery, Ethics Act Violations, and Dealing in Unlawful Proceeds. They did so through the payment of sworn and elected State Constables to use their office for



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private benefit and establishing a stream of payment outside of the operational chain of command for the Constables with the purposes of hiding these transactions and hiding control over said personnel. Defendants further made payments to said Constables in a manner which evaded tax reporting requirements.

Based on the foregoing, there is probable cause to charge the defendants with the offenses in the criminal complaint.



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I, , BEING DULY SWORN ACCORDING TO THE LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

I CERTIFY THAT THIS FILING COMPLIES WITH THE PROVISIONS OF THE *CASE RECORDS PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA* THAT REQUIRE FILING CONFIDENTIAL INFORMATION AND DOCUMENTS DIFFERENTLY THAN NON-CONFIDENTIAL INFORMATION AND DOCUMENTS.

(Signature of Affiant)

Sworn to me and subscribed before me this _____ day of _____

Date

, Magisterial District Judge

My commission expires first Monday of January, _____

SEAL